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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/524,558

02/14/2005

Frank Bosse

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EXAMINER

THROWER, LARRY W

ART UNIT

PAPER NUMBER

4111

MAIL DATE

DELIVERY MODE

08/05/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/524,558	Applicant(s) BOSSE, FRANK	
	Examiner LARRY THROWER	Art Unit 4111	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-11 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-11 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|----------------------------------------------------------------------------------------|-------------------------------------------------------------------|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. ____. |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>1-9-06; 10-17-05</u> . | 6) <input type="checkbox"/> Other: ____. |

DETAILED ACTION

Claim Rejections - 35 USC § 112

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 1-11 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

3. The phrase "reversing the film tube" in claims 1 and 6 renders the claims vague and indefinite. The specification and dependent claims indicate the sheets formed from cutting the film tube, not the film tube itself, are being reversed. For purposes of examination the phrase is taken to mean "reversing a sheet formed from cutting the film tube." Appropriate correction is required.

4. Claims 6-7 and 9-11 are vague and indefinite for being drafted as process claims, when it appears device or apparatus claims were intended. The claims provide for the process of preparing sheets, but since the claims do not set forth any steps involved in the process, it is unclear what process applicant is intending to encompass. A claim is indefinite where it merely recites a process without any active, positive steps delimiting how this process is actually practiced.

5. Claim 8 recites the limitation "Device in accordance with the aforesaid claim". There is insufficient antecedent basis for this limitation in the claim, as all aforesaid claims are drafted as process claims.

6. The phrase "the aforesaid claim" in claims 7-8 renders the claims vague and indefinite. It is not clear from which of the aforesaid claims they depend. Appropriate correction is required.
7. Claims 2-5 are indefinite for depending from indefinite claim 1.

Claim Rejections - 35 USC § 102

8. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

9. Claims 1-11 are rejected under 35 U.S.C. 102(b) as being anticipated by Dellbruegge (DE 19501668; paragraph references to the machine translation).
 - Regarding **claim 1**, Dellbruegge discloses a process for the preparation of sheets (¶1; fig. 1). The process includes extruding a film tube (10; ¶2), laying the film tube flat and squeezing it (¶2; squeeze rollers 16), cutting the extruded film tube to form sheets (¶5; fig. 1), and reversing the cut sheets (fig. 1). The film tube is cut (knives 14) in the conveying direction of the film tube **before** the squeezing takes place (with squeeze rollers 16) and at least one resulting sheet runs through only one reversing device (fig. 1). Although Dellbruegge does not state that the sheet is fed to a stationary processing device or storage device, one would readily recognize from Fig. 1 and the description that the sheet would inherently either be stored or further processed in order for the process of preparing the sheets to be useful.

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- Regarding **claim 2**, Dellbruegge discloses parts of the surfaces of at least one sheet come into contact during the reversing process (e.g., at rollers 16, 18 28, 30, 32, 34 and 36; fig. 1).
- Regarding **claim 3**, Dellbruegge discloses the surfaces that come into contact with each other are components of the tubular sheet that formed the interior surfaces of the film tube (between knives 14 and squeeze rollers 16; fig. 1).
- Regarding **claims 4 and 9-10**, Dellbruegge discloses the sheets being prepared with at least one sticky surface in that the film tube is processed with at least one sticky outer surface (§5).
- Regarding **claims 5 and 11**, Dellbruegge discloses the film tube being processed with a sticky external surface (§5), and that while reversing (after knives 14 and before roller 18) only the surfaces that had formed the internal surface of the film tube come into contact.
- Regarding **claim 6**, Dellbruegge discloses a device and process for the preparation of sheets. The device includes a means for the extrusion of a film tube (§1), a flattening device (12) and a squeezing device (16) for the film tube, a means for the reversing of the film tube (fig. 1), at least one cut-off device (14) for slitting the extruded film tube lengthwise, where the cut-off device (14) is provided for slitting the extruded film tube lengthwise in the conveying direction of the film tube before the squeezing device (16), and that only one reverse device (fig. 1) is provided through which at least one resulting sheet runs (fig. 1). Although Dellbruegge does not state that the sheet is fed to a stationary processing device or storage device,

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one would readily recognize from Fig. 1 and the description that the sheet would inherently either be stored or further processed in order to be useful.

- Regarding **claim 7**, Dellbruegge discloses a reversing device whereby the sheets can be led past at least one reversing air turning bar and at least one reversing deflecting roller (§5).
- Regarding **claim 8**, Dellbruegge discloses the reversing device having at least one functional pair formed of an air turning bar and a deflecting roller whereby the air turning bar and the deflecting roller carry out a reversing movement around an axis that runs orthogonal to the rotational position of the deflecting roller (§5; figs 1-3).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to LARRY THROWER whose telephone number is (571)270-5517. The examiner can normally be reached on Monday through Thursday from 7:30AM-5PM est.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sam C. Yao can be reached on 571-272-1224. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Larry Thrower/
Examiner, Art Unit 4111

/Sam Chuan C. Yao/

Supervisory Patent Examiner, Art Unit 4111